

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JEREMIAH McCALL, §
Plaintiff, §
v. § Civil Action No. **3:24-CV-2442-L-BW**
CREDIT CONTROL LLC, §
Defendants. §

ORDER

On January 15, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 9) was entered, recommending that the court **dismiss without prejudice** this action filed by Jeremiah McCall’s (“Plaintiff” or “Mr. McCall”). No objections have been filed, and the 14-day period to object after service of the Reports has passed. *See* Fed. R. Civ. P. 72(b)(1)(2); 28 U.S.C. § 636(b)(1)(C). For the reasons stated herein, the court **accepts** the Report as that of the court.

The magistrate judge recommends that this action be dismissed without prejudice because the court denied Plaintiff’s motion to proceed *in forma pauperis* on October 24, 2024, and ordered him to pay the fee in installments, with the first payment of \$100 being due on November 13, 2024, which he did not pay. Report 2 (citing Doc. 7). In the October 24th order, the court warned that failure to make the payment by November 13, 2024, would result in this action being dismissed without prejudice. *Id.* (citations and quotation marks omitted).

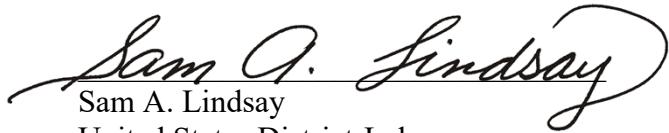
The magistrate judge determined that Plaintiff did not make a payment by November 13, 2024. *Id.* As a result, Magistrate Judge McKay ordered Mr. McCall “to file no later than January 10, 2025, either (1) a statement and supporting evidence showing that he had made a payment

toward satisfaction of the filing and administrative fees in this action, or (2) an explanation why this case should not be dismissed for failure to pay the fees or follow court orders.” *Id.* (citing Doc. 8). The magistrate judge also informed Mr. McCall that he could file a notice of dismissal if he no longer wished to pursue this claim. *Id.* (citing Doc. 8). Plaintiff has not responded to the magistrate judge’s order or filed anything in this case since September 27, 2024. *Id.*; *see generally* Docs. 1-9.

Moreover, the magistrate judge concluded that “Plaintiff has done nothing that would constitute diligent prosecution of this case: he has not paid the first installment of the filing fees or any amount in the two months since, nor has he responded in any way to the January 2 order to show cause.” *Id.* at 3. As a result, the magistrate judge recommends that the court dismiss this action without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to follow a court order.

Having considered Plaintiff’s pleadings, the file, the record in this case, and the Report, the court determines that the findings and conclusions of the magistrate judge are correct and **accepts** them as those of the court. Accordingly, the court **dismisses without prejudice** this action, pursuant to Rule 41(b), as a result of Plaintiff’s failure to prosecute and comply with a court order.

It is so ordered this 13th day of February, 2025.



Sam A. Lindsay
United States District Judge